

United States District Court  
EASTERN DISTRICT OF NORTH CAROLINA

### **Decision by Court.**

IT IS ORDERED AND ADJUDGED that pursuant to the court's order of July 23, 2009, the plaintiff's Motion for Judgment pursuant to Rule 52 is hereby ALLOWED and defendant Prudential's Motion for Summary Judgment is DENIED. The parties are DIRECTED to confer on the amount of benefits due to Ms. Pinario under the terms of the Prudential Plan and inform the court of the agreed-upon amount.

FURTHER, the court DIRECTS the Clerk to enter judgment on Plaintiff's behalf in the amount of \$69,645.79 and to close this case.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **August 26, 2009**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

Andrew O. Whiteman  
2626 Glenwood Avenue, Suite 500  
Raleigh, NC 27608

Stephen A. Dunn  
P.O. Box 426  
Raleigh, NC 27602

August 26, 2009  
Date

DENNIS P. IAVARONE  
Clerk of Court

## *Wilmington, North Carolina*

/s/ Susan K. Edwards  
*(By) Deputy Clerk*

/s/ Susan K. Edwards  
*(By) Deputy Clerk*